

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Court File No. _____

LLOYD JOHAN CHRISTENSON,

Plaintiff,

vs.

COMPLAINT AND DEMAND FOR JURY TRIAL

A.L.M. HOLDING COMPANY, d/b/a
MATHY CONSTRUCTION,

Defendant.

Comes now the Plaintiff, for his cause of action against the Defendant herein states and alleges as follows:

I.

That Plaintiff Lloyd Johan Christenson is a resident of Brown County, Minnesota, residing at 816 S. Franklin Street, New Ulm, Minnesota.

II.

That Defendant A.L.M. Holding Company is a Wisconsin corporation with a registered address of 920 10th Avenue N., P.O. Box 189, Onalaska, Wisconsin 54650. That Defendant A.L.M. is doing business as Mathy Construction.

III.

That there exists diversity jurisdiction pursuant to 28 USCA §1332 because the parties are a resident of one state and a corporation of a different state. In addition, the

amount in controversy exceeds Seventy-Five Thousand Dollars (\$75,000).

IV.

That on or about September 23, 2019, at approximately 2:50 p.m., the Plaintiff was driving his 1981 Honda GL1100 motorcycle, Minnesota license plate MM86949, in a northbound direction on Heritage Parkway approaching the intersection of West Bremer Avenue in the City of Waverly, County of Bremer, State of Iowa.

IV.

That at the same approximate time and place, Defendant had an ongoing construction project on Heritage Parkway.

V.

That the Defendant and Defendant's employees failed to properly sign or prevent traffic from traveling through the unfinished road construction on Heritage Parkway. That as a result, an accident occurred, whereby the front of the Plaintiff's motorcycle got caught in a diagonal rut in the roadway causing him to lose control of his motorcycle. Further, that said accident was the result of Defendant's negligence and that Defendant is responsible under the doctrine of respondeat superior.

VI.

That as a direct and proximate result of the negligence of the Defendant, the Plaintiff was injured in body and mind so that he has, in the past, and will, in the future, suffer great bodily injury, mental pain and anguish.

VII.

That as a further direct and proximate result of the negligence of the Defendant, the Plaintiff has, in the past, and will, in the future, be forced to incur the expenses of doctors, hospitals and other related medical expenses in endeavoring to treat and cure himself of said injuries.

VIII.

That as a further direct and proximate result of the negligence of the Defendant, the Plaintiff's motorcycle was damaged.

WHEREFORE, Plaintiff prays for judgment against the Defendant for a reasonable sum in excess of SEVENTY-FIVE THOUSAND AND NO/100 (\$75,000.00) DOLLARS, together with interest, costs and disbursements as allowed by law. Plaintiff also demands a trial by jury.

	<u>/s James E. Malters</u>
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ACKNOWLEDGMENT

The undersigned hereby acknowledges that costs, disbursements, and reasonable attorney and witness fees may be awarded pursuant to Minn. Stat. § 549.211 to the party against whom the allegations in this pleading are asserted.

/s James E. Walters

For:

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